

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR-13-0590 EMC

Plaintiff,

v.

**ORDER DENYING PETITION FOR
WRIT OF MANDAMUS**

MICHAEL PITAMBER RAMDAT,

(Docket No. 100)

Defendant.

Having considered the Petition for Writ of Mandamus and government's opposition thereto, and good cause appearing therefor, the Court hereby **DENIES** the petition regarding the Bureau of Prison's calculation of Petitioner's credit for time served for an unrelated state sentence..

First, this Court has no jurisdiction to issue a writ of mandamus under the circumstances. An essential requirement for mandamus is that there be no other adequate remedy available. *Patel v. Reno*, 134 F.3d 929, 931 (9th Cir. 1997). Here, Petitioner has available the remedy of a petition for habeas corpus under 28 U.S.C. § 2241 to challenge the term of his federal imprisonment. *Hernandez v. Campbell*, 204 F.3d 861, 864 (9th Cir. 1999); *Doganieri v. United States*, 914 F.2d 165, 169-70 (9th Cir. 1990); *Brown v. United States*, 610 F.2d 672, 677 (9th Cir. 1980).

Second, even if the current petition were construed as a petition under Section 2241, such petition must be brought in Florida where Petitioner is being held by a state custodian. *Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 495 (1973).


Third, if the Court were to reach the merits, it would find the petition meritless. When a court orders a federal sentence to run concurrently to an already-running state sentence, the federal

1 sentence commences on the date of its imposition, not before. *Schleining v. Thomas*, 642 F.3d 1242,
2 1248 (9th Cir. 2011). In this case, this Court imposed a sentence of 21 months to be served
3 concurrent with the “current Florida state court term that he is serving, and so my understanding is
4 that is approximately another 12 months to run. So this will add about nine months of federal – pure
5 federal time on top of that.” January 21, 2015 Transcript of Sentencing Hearing, p. 18. Under
6 Petitioner’s interpretation and request, there would be no “pure federal time” on top of the state
7 sentence.

8 The petition is dismissed for lack of jurisdiction.

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10 IT IS SO ORDERED.

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12 Dated: January 12, 2016

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15 EDWARD M. CHEN
16 United States District Judge
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